

House Bill 1112 (AS PASSED HOUSE AND SENATE)

By: Representatives Geisinger of the 48th, Scott of the 153rd, Burns of the 157th, Oliver of the 83rd, Hamilton of the 23rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 provide for meetings of the State Election Board under certain circumstances; to provide for
3 the promulgation of rules and regulations by the State Election Board; to amend provisions
4 relating to the completion of a certification program by municipal election superintendents;
5 to provide for certain election officials to be certified by a certain date; to provide for a
6 possible waiver of the certification requirement for a municipality in certain circumstances;
7 to provide for a special election for a United States congressional representative in the event
8 of an extraordinary circumstance where there are more than 100 vacancies in the United
9 States House of Representatives; to provide for filing notice of candidacy in the event of
10 extraordinary circumstances; to revise certain provisions relating to the return of qualifying
11 fees to candidates; to provide that certain information about electors shall be made available
12 to certain state agencies; to provide that the Secretary of State may obtain certain felony
13 conviction information; to provide for the making of application for absentee ballot in the
14 event of extraordinary circumstances; to provide for the determination of eligibility; to
15 remove certain requirements as to the oaths or declarations of assisted electors; to repeal
16 certain requirements as to identification of campaign literature; to revise certain provisions
17 related to voter identification cards; to revise certain provisions relating to interference with
18 primaries and elections; to provide for the issuance of a writ of election in extraordinary
19 circumstances; to revise certain provisions relating to interference with and the influencing
20 of electors; to revise provisions relating to voting by unqualified electors; to provide for
21 related matters; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
25 revising subsection (e) of Code Section 21-2-30, relating to the State Election Board, as
26 follows:

1 "(e) Meetings shall be held whenever necessary for the performance of the duties of the
2 board on call of the chairperson or whenever any two of its members so request. Minutes
3 shall be kept of all meetings of the board and a record kept of the vote of each member on
4 all questions coming before the board. The chairperson shall give to each member of the
5 board prior notice of the time and place of each meeting of the board."

6 SECTION 2.

7 Said title is further amended by revising Code Section 21-2-31, relating to the duties of the
8 State Election Board, as follows:

9 "21-2-31.

10 It shall be the duty of the State Election Board:

11 ~~(1) To supervise and coordinate the work of the office of the Secretary of State,~~
12 ~~superintendents, registrars, deputy registrars, poll officers, and other officials so as to~~
13 ~~obtain uniformity in their practices and proceedings and legality and purity in all~~
14 ~~primaries and elections;~~ To promulgate rules and regulations so as to obtain uniformity
15 in the practices and proceedings of superintendents, registrars, deputy registrars, poll
16 officers, and other officials, as well as the legality and purity in all primaries and
17 elections;

18 (2) To formulate, adopt, and promulgate such rules and regulations, consistent with law,
19 as will be conducive to the fair, legal, and orderly conduct of primaries and elections;
20 and, upon the adoption of each rule and regulation, the board shall promptly file certified
21 copies thereof with the Secretary of State and each superintendent;

22 (3) To publish and furnish to primary and election officials, from time to time, a
23 sufficient number of indexed copies of all primary and election laws and pertinent rules
24 and regulations then in force;

25 (4) To publish and distribute such explanatory pamphlets regarding the interpretation and
26 application of primary and election laws as in the opinion of the board should be
27 distributed to the electorate;

28 (5) To investigate, or authorize the Secretary of State to investigate, when necessary or
29 advisable the administration of primary and election laws and frauds and irregularities in
30 primaries and elections and to report violations of the primary and election laws either
31 to the Attorney General or the appropriate district attorney who shall be responsible for
32 further investigation and prosecution. Nothing in this paragraph shall be so construed as
33 to require any complaining party to request an investigation by the board before such
34 party might proceed to seek any other remedy available to that party under this chapter
35 or any other provision of law;

- (6) To make such recommendations to the General Assembly as it may deem advisable relative to the conduct and administration of primaries and elections;
- (7) To promulgate rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system used in this state;
- (8) To employ such assistants as may be necessary;
- (9) Subject to funds being specifically appropriated by the General Assembly, to formulate and conduct a voter education program concerning voting procedures for voting by absentee ballot and at the polls with particular emphasis on the proper types of identification required for voting; and
- (10) To take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections."

SECTION 3.

Said title is further amended by revising paragraph (14) of Code Section 21-2-70, relating to the powers and duties of municipal election superintendents, as follows:

~~"(14) To become certified by satisfactorily completing a certification program approved by the Secretary of State no later than January 1, 2007. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the state's direct recording electronic voting equipment and in state and federal law and procedures related to elections. In the case of boards of elections or boards of elections and registration, this requirement may be satisfied either by the certification of the members of the board or the board's designee as set forth in Code~~
Section 21-2-101; and"

SECTION 4.

Said title is further amended by revising Code Section 21-2-70.1, relating to the completion of the certification program by municipal superintendents, board of elections, or election board designee, as follows:

"21-2-70.1.

(a) The municipal superintendent shall conduct, in accordance with this chapter, all municipal elections held within his or her municipality.

(b) The municipal superintendent shall be a person or committee selected by the governing authority of the municipality in a public meeting, and such selection shall be recorded in the minutes of such meeting. The municipal superintendent shall receive compensation fixed and paid by the governing authority of the municipality from municipal funds. The appointment shall be made in a public meeting, and the appointment shall be recorded in

the minutes of said meeting. In the event that a municipality fails to make an appointment, the city clerk shall serve as the municipal superintendent. A parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to serve as a municipal superintendent in any primary or election in which such candidate's name appears on the ballot.

~~(c) As prescribed and directed by the Secretary of State, the municipal superintendent or, in the case of a board of elections or board of elections and registration, its designee shall satisfactorily complete a certification program approved by the Secretary of State no later than January 1, 2007. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the voting equipment used in such superintendent's municipality and in state and federal law and procedures related to elections."~~

SECTION 5.

Said title is further amended by revising Code Section 21-2-101, relating to certification program for election superintendents or election board designee and waiver of certification, as follows:

"21-2-101.

(a) All county and municipal election superintendents or, in the case of a board of elections or a board of elections and registration, the designee of such board charged with the daily operations of such board shall become certified by completing a certification program approved by the Secretary of State by no later than December 31 of the year in which they are appointed. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the state's direct recording electronic voting equipment, the operation of the voting equipment used in such superintendent's jurisdiction, and in state and federal law and procedures related to elections. The local government employing the superintendent or designee shall cover the costs, if any, incurred by such ~~superintendent~~ superintendent's or designee's participation in the certification program. Such certification programs shall be offered by the Secretary of State on multiple occasions before December 31 of the year in which such superintendents or designees are appointed and shall not exceed 64 hours of classroom, online, and practical instruction as authorized and approved by the Secretary of State.

(b) Any county or municipal election superintendent appointed prior to January 1, 2008, who has not met the certification requirement shall complete a certification program approved by the Secretary of State by no later than December 31, 2008.

~~(b)(c)(1)~~ (c)(1) A full, partial, or conditional waiver of the certification requirement, ~~either in whole or in part,~~ may be granted by the Secretary of State, in the discretion of the

Secretary of State, upon the presentation of evidence by the election superintendent or board that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the Secretary of State.

(2) In the event that a municipality authorizes a county to conduct its elections pursuant to Code Section 21-2-45, the municipality may be granted by the Secretary of State, in the discretion of the Secretary of State, a waiver of the certification requirement, provided that the superintendent in charge of running the municipal election shall have previously completed a certification program approved by the Secretary of State and has demonstrated a proficiency in the operation of the voting equipment used in said municipality.

~~(c)~~(d) A superintendent and the county or municipal governing authority which employs the such superintendent may be fined by the State Election Board for failure to attain the certification required in this Code section."

SECTION 6.

Said title is further amended by revising subsection (d) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, affidavit, and payment of qualifying fee, as follows:

"(d) Except as provided in subsection (i) of this Code section, all political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(2) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than

the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election; and

(4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each candidate, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, with the Office of the Secretary of State no earlier than the date of the call of the special election and not later than ten days after the announcement of such extraordinary circumstances.

(B) The provisions of this subsection shall not apply where, during the 75 day period beginning on the date of the announcement of the vacancy:

(i) A regularly scheduled general election for the vacant office is to be held; or

(ii) Another special election for the vacant office is to be held pursuant to a writ for a special election issued by the Governor prior to the date of the announcement of the vacancy.

The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour allowed for the lunch break; provided, however, that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality. Except in the case of a special election, notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period."

SECTION 7.

Said title is further amended by revising subsections (a), (b), and (e) of Code Section 21-2-134, relating to withdrawal, death, or disqualification of candidate for office and nomination certificates, as follows:

"(a)(1) A candidate nominated at any primary election or nominated by means other than a primary may withdraw as a candidate at the ensuing general election by filing a

1 notarized affidavit of withdrawal with the Secretary of State, if nominated for a state
2 office; the county superintendent, if nominated for a county office; or the municipal
3 superintendent, if nominated for a municipal office. ~~The qualifying fee shall not be~~
4 ~~returned to the candidate.~~ If the ballots have been printed, the Secretary of State, ~~or the~~
5 county superintendent, or the municipal superintendent may reprint the ballots to omit the
6 name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be
7 void and shall not be counted. Prominent notices shall be posted in all polling places in
8 which the name of the withdrawn candidate appears on the ballot stating that ~~the~~ such
9 candidate has withdrawn and that all votes cast for such withdrawn candidate shall be
10 void and shall not be counted. No vacancy on the ballot for a general election or for a
11 nonpartisan election shall be filled except by reason of the death or disqualification of a
12 candidate or the withdrawal of a candidate as provided in paragraph (2) of subsection (b)
13 of this Code section.

14 (2) A candidate in a general or special primary may withdraw as a candidate after
15 qualifying but prior to the date of the general or special primary by filing a notarized
16 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the
17 county election superintendent, if qualifying for a county office; or the municipal
18 superintendent, if qualifying for a municipal office. A candidate of a political body or
19 an independent candidate in a general or special election may withdraw as a candidate
20 after qualifying but prior to the date of the general or special election by filing a notarized
21 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the
22 county election superintendent, if qualifying for a county office; or the municipal
23 superintendent, if qualifying for a municipal office. ~~The qualifying fee shall not be~~
24 ~~returned to the candidate.~~ If the ballots have been printed, the Secretary of State, the
25 county election superintendent, or the municipal superintendent may reprint the ballots
26 to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate
27 shall be void and shall not be counted. Prominent notices shall be posted in all polling
28 places in which the name of the withdrawn candidate appears on the ballot stating that
29 ~~the~~ such candidate has withdrawn and that all votes cast for such withdrawn candidate
30 shall be void and shall not be counted.

31 (b)(1) Any vacancy in any party nomination filled by a primary created by reason of the
32 death or disqualification of a candidate occurring after nomination may be filled in the
33 following manner:

34 (A) In the case of a public office to be filled by the vote of the electors of ~~the~~ this entire
35 state in which the vacancy occurs after nomination but at least ten days prior to the
36 election to fill the public office sought by such candidate, the vacancy may be filled by
37 a substitute nomination made by a convention composed of the delegates of the county

1 executive committee of such party in each county of ~~the~~ this state. Immediately upon
2 such vacancy occurring, the state executive committee or a subcommittee thereof
3 appointed for the purpose shall fix a time within six days of the occurrence of such
4 vacancy; shall select and provide a convenient place for the holding of such a
5 convention, which shall be open to the public; and shall give notice thereof to the
6 chairperson and secretary of each county executive committee. Each county executive
7 committee shall be entitled to select the number of delegates apportioned to it by the
8 state executive committee; provided, however, that each county executive committee
9 shall be entitled to select at least one delegate. Such apportionment of delegates among
10 the counties shall be based substantially upon the population of ~~the~~ this state according
11 to the last United States decennial census or upon the number of votes cast within ~~the~~
12 this state for the party's candidates for presidential electors in the last presidential
13 election. A two-thirds' majority of the delegates of such county executive committees
14 shall constitute a quorum for the transaction of business, and a majority of the delegates
15 present while a quorum exists shall be sufficient to fill such nomination by a substitute
16 nomination. Each delegate shall have one vote, and all votes taken shall be by a
17 roll-call vote. The records of the convention shall be filed with the state executive
18 committee. In the event such a vacancy in party nomination shall occur during the ten
19 days preceding the day of such an election, such vacancy may be filled by a substitute
20 nomination made by the state executive committee or a subcommittee thereof appointed
21 for that purpose;

22 (B) In the case of a public office for which a candidate must qualify with the state
23 executive committee, except a public office to be filled by the vote of the electors of the
24 entire state, the nomination may remain vacant or may be filled at the decision of the
25 state executive committee of the party. The decision whether to fill such vacancy shall
26 be made by the state executive committee by 4:00 P.M. on the next business day
27 following the actual knowledge of the death or disqualification of the candidate. The
28 decision of the state executive committee shall be immediately transmitted to the
29 Secretary of State. If the Secretary of State has not been notified of the decision of the
30 state executive committee by 4:30 P.M. on the next business day following the actual
31 knowledge of the vacancy, it shall be conclusively presumed that the state executive
32 committee has decided not to fill the vacancy. If the state executive committee decides
33 not to fill the vacancy, the nomination shall remain vacant. If the state executive
34 committee decides to fill the vacancy, the vacancy shall be filled by a substitute
35 nomination made by the state executive committee or a subcommittee thereof appointed
36 for that purpose;

(C) In the case of a public office for which a candidate must qualify with the county executive committee, the nomination may remain vacant or may be filled at the decision of the state executive committee of the party. The state executive committee or a subcommittee thereof may determine on its own whether to fill the vacancy but is authorized, though not required, to seek the recommendation of any of the following persons for the purpose of determining whether to fill the vacancy: the county executive committee, if any; persons from the area who are active in the party; persons who are present or former officials of the party; persons who presently hold political office or have sought political office as candidates of the party; or such other persons as the committee or subcommittee may desire to consult. The decision whether to fill such vacancy shall be made by the state executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the state executive committee shall be immediately transmitted to the county superintendent. If the county superintendent has not been notified of the decision of the state executive committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the state executive committee has decided not to fill the vacancy. If the state executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the state executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for that purpose. The state executive committee or a subcommittee thereof may determine on its own who shall fill the vacancy as a substitute nominee but is authorized, though not required, to seek the recommendation of any of the following persons for the purpose of determining the most suitable substitute nomination: the county executive committee, if any; persons from the area who are active in the party; persons who are present or former officials of the party; persons who presently hold political office or have sought political office as candidates of the party; or such other persons as the committee or subcommittee may desire to consult; and

(D) In the case of a public office for which a candidate must qualify with the municipal executive committee, the nomination may remain vacant or may be filled at the decision of the municipal executive committee of the party. The decision whether to fill such vacancy shall be made by the municipal executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the municipal executive committee shall be immediately transmitted to the municipal superintendent. If the municipal superintendent has not been notified of the decision of the municipal executive

committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the municipal executive committee has decided not to fill the vacancy. If the municipal executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the municipal executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the municipal executive committee or a subcommittee thereof appointed for that purpose.

(2) Any vacancy which occurs in any party nomination filled by a primary and which is created by reason of the withdrawal of a candidate 60 or more days prior to the date of the election shall be filled as follows:

(A) By the person seeking nomination in such primary who received the second highest total of votes cast in such primary for that office, provided that such person received not less than 40 percent of the votes cast for that office; or

(B) In the event no person received the vote total required under subparagraph (A) of this paragraph, such vacancy shall be filled in the same manner as provided in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate.

(3) Any vacancy which occurs in any party nomination filled by a primary and which is created by reason of the withdrawal of a candidate less than 60 days prior to the date of the election shall not be filled. ~~The qualifying fee shall not be returned to the candidate.~~ If the ballots have been printed, the Secretary of State, ~~or the county superintendent,~~ or the municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that ~~the~~ such candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted."

~~"(e) Reserved: The qualifying fee shall be returned to the candidate in the event such candidate withdraws, dies, or is disqualified prior to the close of the qualifying period; however, after the close of the qualifying period, the qualifying fee shall not be returned to the candidate for any reason including withdrawal, death, or disqualification."~~

SECTION 8.

Said title is further amended by revising subsection (b) of Code Section 21-2-225, relating to limitations on registration data available for public inspection, as follows:

"(b) All data collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article shall be available for public inspection with the exception of bank statements submitted pursuant to subsection

(c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, and the date of birth, the social security numbers, and driver's license numbers of the electors, and the locations at which the electors applied to register to vote, which shall remain confidential and shall be used only for voter registration purposes; provided, however, that any and all information relating to the dates of birth, social security numbers, and driver's license numbers of electors may be made available to other state agencies if the agency is authorized to maintain such information ~~by social security number~~ and the information is used only to identify the elector on the receiving agency's data base and is not disseminated further and remains confidential."

SECTION 9.

Said title is further amended by revising subsections (a) and (d) of Code Section 21-2-231, relating to lists of persons convicted of felonies, as follows:

"(a) ~~The~~ Unless otherwise notified by the Secretary of State, the clerk of the superior court of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who were convicted of a felony involving moral turpitude during the preceding calendar month in ~~the~~ that county. The Secretary of State may, by agreement with the commissioner of the Department of Corrections, obtain criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies involving moral turpitude. Additionally, the Secretary of State shall be authorized to obtain such criminal information relating to Georgia electors convicted of felonies involving moral turpitude, if possible, from other states."

"(d) ~~The~~ Unless otherwise notified by the Secretary of State, the local registrar of vital statistics of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who died during the preceding calendar month in the county. The Secretary of State may, by agreement with the commissioner of human resources, obtain such information from the state registrar of vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if possible, from other states."

SECTION 10.

Said title is further amended by revising subsection (a) of Code Section 21-2-381, relating to making of application for absentee ballot, determination of eligibility by ballot clerk,

furnishing of applications to colleges and universities, and persons entitled to make application, by adding a new paragraph to read as follows:

"(4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar or absentee ballot clerk shall determine if the applicants are eligible to vote under this Code section and shall either mail or issue the absentee ballots for the election for representative in the United States Congress to an individual entitled to make application for absentee ballot under subsection (d) of this Code section the same day any such application is received, so long as the application is received by 3:00 P.M., otherwise no later than the next business day following receipt of the application. Any valid absentee ballot shall be accepted and processed so long as the ballot is received by the registrar or absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent uniformed services voter or overseas voter, but in no event later than 11 days following the date of the election."

SECTION 11.

Said title is further amended by revising Code Section 21-2-409, relating to assisting electors who cannot read English or who have disabilities, as follows:

"21-2-409.

(a) No elector shall receive any assistance in voting at any primary or election unless he or she is unable to read the English language or he or she has a disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. A person assisting an elector shall identify himself or herself to a poll worker who shall record such information on the disabled elector's voter certificate showing that such person provided assistance in voting to such elector.

(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except ~~the~~ such elector's employer or agent of that employer or officer or agent of ~~the~~ such elector's union.

(2) In all other elections, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select:

~~(1)(A)~~ any Any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or

~~(2)(B) the~~ The mother, father, sister, brother, spouse, or child grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive assistance;

1 to enter the voting compartment or booth with him or her to assist in voting, such
2 assistance to be rendered inside the voting compartment or booth. No person shall assist
3 more than ten such electors in any primary, election, or runoff covered by this paragraph.

4 No person whose name appears on the ballot as a candidate at a particular election nor
5 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
6 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
7 brother-in-law, or sister-in-law of that candidate ~~may~~ shall offer assistance during that
8 particular election under the provisions of this Code section to any voter who is not
9 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
10 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother,
11 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
12 mother-in-law, father-in-law, brother-in-law, or sister-in-law.

13 ~~(c) The oaths or declarations of assisted electors shall be returned by the chief manager to~~
14 ~~the superintendent. The oaths or declarations of assisted electors shall be available in the~~
15 ~~superintendent's office for public inspection."~~

16 SECTION 12.

17 Said title is further amended by revising Code Section 21-2-415, relating to requirements as
18 to identification of campaign literature, unauthorized use of another's name in connection
19 with campaign material, and penalty, as follows:

20 "21-2-415.

21 ~~(a) No person shall distribute, circulate, disseminate, or publish or cause to be distributed,~~
22 ~~circulated, disseminated, or published any literature in connection with any political~~
23 ~~campaign for any public office or question unless such literature shall bear the name and~~
24 ~~address of the person or organization distributing, circulating, disseminating, publishing,~~
25 ~~or causing the same to be distributed, circulated, disseminated, or published. To be in~~
26 ~~compliance with this subsection when an organization rather than a natural person commits~~
27 ~~any of the acts enumerated in this subsection, the names and addresses of at least three of~~
28 ~~the highest officials thereof shall also appear thereon. No candidate whose campaign is the~~
29 ~~subject of any campaign literature shall contribute funds to defray the cost or a portion of~~
30 ~~the cost of the printing, publishing, distribution, circulation, or dissemination of such~~
31 ~~literature unless the literature clearly states that the cost or a portion thereof has been paid~~
32 ~~for by the candidate. Campaign literature published and disseminated by the candidate,~~
33 ~~bearing his or her name and the office for which he or she is a candidate, shall be~~
34 ~~considered as in compliance with this subsection.~~

35 ~~(b) No person shall use the name or any colorable imitation of the name of an existing~~
36 ~~person or organization for the purposes of endorsing, circulating, or publishing campaign~~

~~material without the authorization of such person or organization. As used in this subsection, the term 'any colorable imitation' means any name purposefully used with the intention of the user that a person reading such name will be misled into believing that such campaign material is being endorsed, circulated, or published by a person or organization other than the true endorser, circulator, or publisher.~~

~~(c) Any person who violates this Code section shall be guilty of a misdemeanor.~~
Reserved."

SECTION 13.

Said title is further amended by revising Code Section 21-2-417.1, relating to voter identification cards, as follows:

"21-2-417.1.

(a) Each county board of registrars shall provide at least one place in the county at which it shall accept applications for and issue Georgia voter identification cards to registered Georgia electors which shall under state law be valid only for purposes of voter identification under Code Section 21-2-417 and available only to registered electors of this state. No fee shall be charged or collected for the application for or issuance of a Georgia voter identification card.

(b) No person shall be eligible for a Georgia voter identification card if such person has a valid unexpired driver's license or identification card issued under Code Section 40-5-100.

(c) The Georgia voter identification card shall be captioned 'GEORGIA VOTER IDENTIFICATION CARD' and shall contain a prominent statement that under Georgia law it is valid only as identification for voting purposes. The Georgia voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date identification card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

(9) County where the identification card was issued including a county number to be assigned for each county by the Secretary of State; and

(10) Such other information or identification as required by rule of the State Election Board.

(d) The application for a Georgia voter identification card shall elicit the information required under subsection (c) of this Code section and such other information as may be required by rule of the State Election Board. The application shall be signed and sworn to by the applicant and any falsification or fraud in the making of the application shall constitute a felony offense under Code Section 16-10-71, relating to the offense of false swearing.

(e) The board of registrars shall require presentation and verification of the following information before issuing a Georgia voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(2) Documentation showing the person's date of birth;

(3) Evidence that the person is registered to vote in this state; and

(4) Documentation showing the person's name and address of principal residence.

(f) A Georgia voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State of Georgia to surrender his or her card to the board of registrars of the county of his or her new residence; and such person may after such surrender apply for and receive a new card if such person is otherwise eligible under this Code section. It shall be the duty of a person who moves his or her residence outside the State of Georgia or who ceases to be qualified to vote to surrender his or her card to the board of registrars by which it was issued.

(g) The ~~State Election Board~~ Secretary of State shall provide each county board of registrars with the necessary equipment, forms, supplies, and training for the production of the Georgia voter identification cards and shall maintain such equipment.

(h) Without in any way limiting the authority of the Secretary of State under subsection (g) of this Code section, the ~~The~~ State Election Board shall adopt rules and regulations for the administration of this Code section and, without limiting the generality of the foregoing, such rules and regulations may further define or prescribe the types of documentation required under subsection (e) of this Code section."

SECTION 14.

Said title is further amended by revising Code Section 21-2-419, relating to validation of provisional ballots, by adding a new subsection to read as follows:

1 "(e) The board of registrars shall complete a report in a form designated by the Secretary
2 of State indicating the number of provisional ballots cast and counted in the primary or
3 election."

4 SECTION 15.

5 Said title is further amended by adding a new Code section to read as follows:

6 "21-2-543.1.

7 In extraordinary circumstances, where the Speaker of the House of Representatives in the
8 United States Congress announces that there are more than 100 vacancies in the federal
9 House of Representatives, the Governor shall issue, within five days after the speaker
10 announces that such number of vacancies exist, a writ of election to the Secretary of State
11 for a special election to fill any such vacancy from this state, which election shall be held
12 on the date named in the writ, which shall not be more than 49 days after the speaker
13 announces that such number of vacancies exists."

14 SECTION 16.

15 Said title is further amended by revising Code Section 21-2-566, relating to interference with
16 primaries and elections generally, as follows:

17 "21-2-566.

18 Any person who:

19 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary
20 or election under this chapter;

21 (2) Uses or threatens violence ~~to any poll officer~~ in a manner that would prevent a
22 reasonable poll officer or actually prevents a poll officer from the execution of his or her
23 duties or materially interrupts or improperly and materially interferes with the execution
24 of ~~his or her duty~~ a poll officer's duties;

25 (3) Willfully blocks or attempts to block the avenue to the door of any polling place;

26 (4) Uses or threatens violence ~~to any elector to prevent him or her~~ in a manner that would
27 prevent a reasonable elector from voting or actually prevents any elector from voting;

28 (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not
29 signed by the elector whose certificate it purports to be;

30 (6) Knowingly deposits fraudulent ballots in the ballot box;

31 (7) Knowingly registers fraudulent votes upon any voting machine; or

32 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
33 ballot box, voting machine, direct recording electronic (DRE) equipment, or tabulating
34 machine

shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both."

SECTION 17.

Said title is further amended by revising Code Section 21-2-567, relating to intimidation of electors, as follows:

"21-2-567.

(a) Any person who uses or threatens to use force and violence, or acts in any other manner ~~intimidates~~ to intimidate any other person, to:

(1) Vote or refrain from voting at any primary or election, or to vote or refrain from voting for or against any particular candidate or question submitted to electors at such primary or election; or

(2) Place or refrain from placing his or her name upon a register of electors

shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both.

(b) As used in this Code section, the term 'acts in any other manner to intimidate' means to undertake or pursue a knowing and willful course of conduct which causes emotional distress by placing another person in reasonable fear for such person's safety or for the safety of another person and which serves no legitimate purpose."

SECTION 18.

Said title is further amended by revising subsection (a) of Code Section 21-2-568, relating to entry into voting compartment or booth while another is voting, interfering with elector, inducing elector to reveal or revealing elector's vote, and influencing voter while assisting, as follows:

"(a) Any person who knowingly:

(1) Goes into the voting compartment or voting machine booth while another is voting or marks the ballot or ballot card or registers the vote for another, except in strict accordance with this chapter;

(2) Interferes with any elector marking his or her ballot or ballot card or registering his or her vote;

(3) Attempts to induce any elector before depositing his or her ballot or ballot card to show how he or she marks or has marked his or her ballot or ballot card; or

(4) Discloses to anyone how another elector voted, without said elector's consent, except when required to do so in any legal proceeding shall be guilty of a felony."

SECTION 19.

Said title is further amended by revising Code Section 21-2-573, relating to absentee voting by unqualified elector, as follows:

"21-2-573.

Any person who votes or attempts to vote by absentee ballot at any primary or election under Article 10 of this chapter ~~and~~ who knows that he or she is not qualified to vote shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both."

SECTION 20.

All laws and parts of laws in conflict with this Act are repealed.